DOCUMENT RESUME

ED 202 970 UD 021 469

TITLE Taking Aim At Guns...Gun Control Lessons for Intermediate, Junior and Senior High Schools. A Teacher's Handbook.
INSTITUTION New York City Board of Education, Brooklyn, N.Y. Div. of Curriculum and Instruction.
PUB DATE 80
NOTE 24p.; Some pages may be marginally legible due to reproduction quality of original document.

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Content Area Reading; *Crime; Curriculum Guides; Elementary Secondary Education; Lesson Plans; Resource Materials; Study Skills; *Violence
IDENTIFIERS *Gun Control; *New York

ABSTRACT

This guide is intended to assist classroom teachers in developing lessons revolving around New York's 1980 handgun control law. It contains model lesson plans and a section on resource materials designed to provide insight into the law and its ramifications. The guide is designed for use in intermediate, junior and senior high schools. (Author/APM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

MAY 2 6 1981

ED202970

TAKING AIM AT GUNS...

GUN CONTROL LESSONS FOR INTERMEDIATE, JUNIOR AND SENIOR HIGH SCHOOLS

A TEACHER'S HANDBOOK

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
R. Edmonds
NYC Public Schools
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED021469

NEW YORK CITY PUBLIC SCHOOLS
OFFICE OF CURRICULUM DEVELOPMENT AND SUPPORT
DIVISION OF CURRICULUM AND INSTRUCTION

NEW YORK CITY BOARD OF EDUCATION

Joseph G. Barkan, President

Miguel O. Martinez, Vice President

Amelia H. Ashe

Robert J. Christen

Irene Impellizzeri

Marjorie A. Lewis

James F. Regan

Frank J. Macchiarola, Chancellor

Charlotte Frank, Executive Director
Division of Curriculum and Instruction

(c)1980 by the New York Times Company. Reprinted by permission.

FOREWORD

On August 12, 1980 a new gun control law went into effect in the State of New York. The legislation, which amends the previous gun control law, provides for harsh penalties for anyone found carrying a loaded, unlicensed firearm. It has been called, by some, "the toughest gun law in America."

Taking Aim At Guns is part of a continuing effort by the Division of Curriculum and Instruction to highlight those issues which affect the quality of life in New York City. Because the New York Handgun Law affects all citizens we have made a commitment to help disseminate this vital information to the young people in our schools.

This document is intended to assist classroom teachers in developing lessons revolving around the new gun control law. Taking Aim At Guns contains model lesson plans as well as a section of resource materials. The resources, including reprints of newspaper articles, statistics, and summaries of the law, may be used by teachers and/or students to gain further insight into the law and its ramifications.

Teachers and supervisors are encouraged to develop additional materials which will help bring this important message to our students. Should teachers develop lessons they find to be particularly effective, we would be pleased to receive a copy for possible dissemination system-wide. Gun control lessons or questions may be addressed to Ms. Susan S. Aaron, Office of Curriculum Development and Support, 131 Livingston Street, Room 301, Brooklyn, New York 11201, (212) 596-5436.

Charlotte Frank

Charlotte Frank
Executive Director
Division of Curriculum and Instruction

ACKNOWLEDGMENTS

Taking Aim At Guns is a project of the Office of Curriculum Development and Support, Dr. Morris Freedman, Director (Interim Acting). This guide was designed and written by Susan S. Aaron, Assistant to the Director.

We thank the following people for their assistance in this project:

Herbert Rickman, Special Assistant to the Mayor

Robert Keating, Coordinator of Criminal Justice, Office of the Mayor

Jay Cohen, Office of the Mayor

David M. Wirtz, Director, Office of Legal Services, Board of Education

Carol Brownell, Executive Director, Division of Public Affairs

Dierdra L. Tompkins, Office of Legal Services, Board of Education

Florence Jackson, Director (Acting), Social Studies Unit, Office of Curriculum Development and Support

Marvin Itzkowitz, Director (Acting), Mathematics Unit, Office of Curriculum Development and Support

Marilyn Funes, Communication Arts Unit, Office of Curriculum Development and Support

Harriet Haynes, District 19

Robert Gyles, Intermediate School 195M

Maureen Maguire, Curriculum Developer, Production and Editorial Unit, Office of Curriculum Development and Support

Special appreciation is extended to the New York Times and the New York Daily News for their permissions to reprint material.

Cover by Conrad Nunnally; typing by Aida Gramieri

TAKING AIM AT GUNS...

TABLE OF CONTENTS

Part I. Sample Lesson Plans.....1

Part II. Resource Materials.....7

References.....19

PART I

Sample Lesson Plans*

SOCIAL STUDIES

Aim:

How does the gun control law affect an individual's rights?

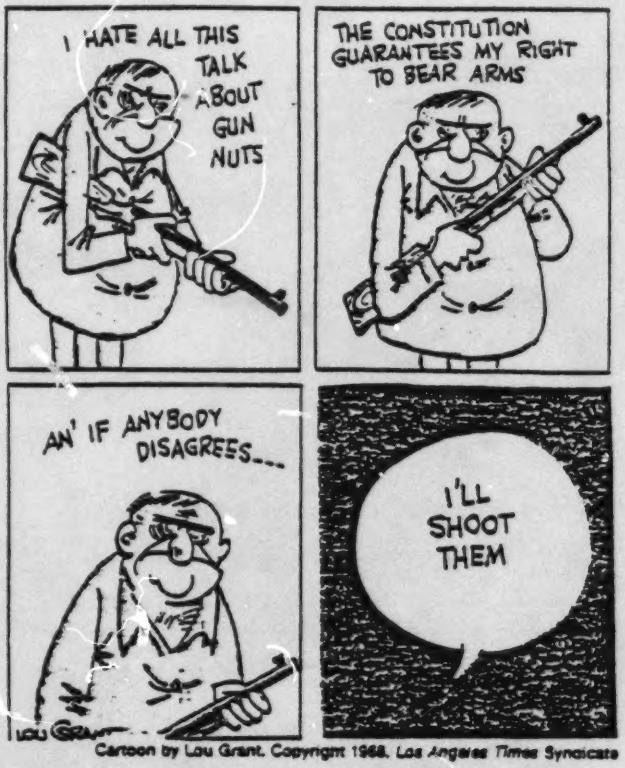
Performance Objectives:

The student will be able to identify arguments given for and against gun control.

The student will be able to compare the penalties provided by the former and present State law.

The student will be able to explain how the gun control law affects individual rights.

Motivation:


I HATE ALL THIS TALK ABOUT GUN NUTS
THE CONSTITUTION GUARANTEES MY RIGHT TO BEAR ARMS
AN' IF ANYBODY DISAGREES...
I'LL SHOOT THEM
LOU GRANT

Cartoon by Lou Grant. Copyright 1968. Los Angeles Times Syndicate

* In order that students be prepared for these lessons, it is suggested that some of the resource material be reproduced and distributed as reading assignments prior to the lessons.

Why is the man in the cartoon concerned with his "right to bear arms?"

What is your opinion of the way he plans to express his feelings?

What are some positive methods that people can use to communicate their opinions?

Pivotal Questions:

Why is the second amendment to the Constitution concerned with the right to bear arms?

How did the second amendment meet the needs of people in 1791?

Is the requirement to register firearms in violation of the second amendment? Explain your answer.

Is there a need to register firearms today? Support your opinion with evidence.

Why do some people oppose tough gun control legislation?

Who, if anyone, should be allowed to own firearms?

Under the old law, what was the penalty for carrying an unlicensed firearm? (see Section II)

Why was the law changed? What are the penalties under the new law? (see Section II)

Why did Mayor Koch declare an amnesty period for turning in guns? How effective was it? Why?

How could the effectiveness of the amnesty period have been increased?

Summary:

How does the new gun control law protect the rights of individuals?

Homework:

Write an editorial for or against gun control.

SUGGESTION FOR ADDITIONAL SOCIAL STUDIES LESSONS

Aim:

How does a bill become a law in New York State:

Application:

Trace the steps needed to pass the New York Handgun Law.

Aim:

How do special interest groups affect public policy?

Application:

Discuss how the National Rifle Association and other anti-gun control groups affect legislation.

Aim:

How does the criminal justice system protect the rights of a person who is arrested?

Application:

Using the example of a person arrested for a firearms violation, trace the procedures at the police station and the events when a person is taken into court.

WRITING

Aim:

How can we effectively persuade people to support the new handgun control law?

Performance Objective:

The student will be able to write a persuasive letter in favor of the new gun control law.

Motivation:

Have the students read the following: Your uncle's grocery store has just been robbed for the third time. Naturally, he is very upset and angry. He states that from now on he is going to carry a gun, even though it is against the law.

Instructions:

Write a letter to your uncle telling him why he should not carry a gun. Give several reasons why you feel this way. Be sure that you explain each reason very clearly. Try to convince him that his actions would not be in his best interest.

Pivotal Questions:

What is the topic on which you must write?

What is your point of view?

What do you need to support your point of view?

Why should each reason be followed by an explanation?

To whom are you going to write?

Why is it important to know to whom you are going to write?

After the students write their letters, they should evaluate them based upon the following questionnaire (rexographed or written on the board):

Audience: To whom is the suggestion being presented?
Why is it important to know who your audience is?

Topic/Issue: What is the problem you have written about?
What position were you asked to take?

Reasons/Explanations: How many reasons have you given?
How many explanations have you given?
Do your explanations support your reasons?
Have you selected the reasons most likely to persuade your audience?

Summary:

Review the evaluation questions with the students. Discuss why it is important to analyze a question before writing an answer to it.

Homework:

Review and revise the letter to your uncle. Make sure you have used the most effective gun control arguments possible.

MATHEMATICS

Aim:

How can we use percentage in solving a verbal problem?

Performance Objective:

The student will be able to apply the concept of percent to solving verbal problems.

Motivation:

Frank said that if there were not hand guns in New York City, 50% of all the murders would not have been committed. Use the information below, quoted from 1979 New York City reports to prove or disprove Frank's statement.

Homicides Committed By:	Number
handguns	882
rifles	7
shotguns	43
other means	801

Pivotal Questions:

What new vocabulary is in this problem?
What are the basic facts?
What are we being asked to find?
What information do we need to solve it?
Are we given all the necessary information? If not, what is missing?
What mathematical operations will be used to solve the problem?
What is your estimate of the answer?
Solve the problem and check your answer.

Summary:

How did we use the table in solving the problem?
What other conclusions can be drawn from the information given in the table?
What are the eight steps in solving problems of this kind? (Read problem, determine the facts, determine what is being asked, determine the operations to be used, estimate answer, perform operations, check answer, use diagrams or tables.)

PART II

Resource Materials

THE FOLLOWING STATEMENTS PERTAINING TO GUNS AND CRIME ARE EXCERPTED VERBATIM FROM CRIME IN AMERICA BY RAMSEY CLARK.[1]

...Total casualties from civilian gunfire exceeded our military casualties in all the wars from the Revolution through Vietnam.

...Guns are designed to kill. That is their purpose.

...When viewed as a source of power by otherwise powerless people, guns can only mean violent crime.

...The more violence we experience in America, the more guns we stock.

...Following every riot, firearm sales have soared.

...Two million firearms are manufactured in the United States for private ownership --- 70 percent are rifles and shotguns.

...America is the chief world market for pistols, which have little utility except to shoot people.

...Murder and other crimes committed with firearms occur more frequently where guns are most plentiful and gun control laws least stringent.

...The average citizen with a gun acting in self defense --- housewife, bus driver, liquor store clerk --- is a greater danger to himself and innocent people in the vicinity than is the crime he would prevent.

...Crime can be controlled by controlling firearms.

[1] Ramsey Clark, Crime in America (New York: Simon & Schuster Inc., 1970).

Major Provisions of the New York Handgun Law

Mandatory prison sentence of at least one year for possession of loaded firearm outside the home or place of business, unless extremely limited mitigating circumstances are found to be present by the court.

-Firearm means any pistol, revolver, sawed-off shotgun or other concealable weapon.
No pre-indictment plea bargaining is permitted. Defendant must plead guilty to no less than a Class E violent felony offense. In simple language this means that no change in the charge can occur that would reduce the penalty to below one year.

-"Loaded" means any firearm with ammunition or any firearm possessed by a person who, at the same time also has ammunition which may be discharged from that firearm.

Mandatory prison sentence of at least one year for possession of an unloaded firearm outside the home or place of business by an individual who has been convicted of a Class A misdemeanor within the last five years, unless extremely limited mitigating circumstances are found to be present by the court.

-Examples of a Class A misdemeanor include: petty larceny, assault in the third degree, sexual misconduct, sexual abuse in the second degree, criminal trespass in the second degree, criminal mischief in the fourth degree, and criminal possession of stolen property in the third degree.

Sale or possession with intent to sell a firearm is now a Class E felony with a possible prison sentence of up to 4 years. (Possession of five or more firearms creates a presumption of intent to sell.)

Increased minimum prison sentences for commission of serious felonies while armed with handguns.

The law, which applies to youths 16 years of age and older, significantly limits the possibilities for special youthful offender treatment for 16 to 19 year olds convicted of carrying guns. (Juveniles under 16 would be adjudged Juvenile Delinquents).

Comparison: Former and Present Gun Law

The following indicates changes which occurred as a result of the enactment of our new gun control law. It should be noted that the seriousness of an offense is usually indicated by the letters A, B, C, D, or E. A level "A" offense is the most serious offense (felony or misdemeanor) in a category (such as armed robbery, murder, assault, etc.). A level E offense is the least serious offense in a category.

The length of sentence for any offense would vary depending on the level of the offense.

Offense	Restrictions Under Former Law	Restrictions Under Current Law
Possession of Unloaded Firearm Outside of Home or Place of Business, and Previous Conviction of a Class A Misd. within the past five years.	Level: D Felony Sentence: No restriction Plea: No Restriction	Level: D Armed Violent Felony Sentence: Mandatory indeterminate or one year determinate sentence. Plea: Post Indictment: defendant must plead to a Class E Violent Felony. Pre-Indictment: No plea bargaining. Mitigation hearing allowed.
Possession of a Loaded Firearm Outside of Home or Business.	Level: D Felony Sentence: No restriction Plea: No restriction	Level: D Armed Violent Felony Sentence: Mandatory indeterminate or one year sentence unless the defendant has no prior conviction of a Class A Misd. within the past 5 years. Plea: Pre-Indictment: no plea bargaining. Post Indictment: defendant must plead to a Class E Violent Felony unless he has no Class A Misd. conviction within the past 5 years; then he may plead to a Class A Misd. with a 1 year mandatory sentence.

9

Offense	Restrictions Under Former Law	Restrictions Under Current Law
Sale, or Possession With Intent to Sell a Firearm.	Level: A Misdemeanor	Level: E Felony
Possession or Sale of 20 or more Firearms.	Level: A Misdemeanor	Level: D Armed Violent Felony
	Sentence: No restriction	Sentence: Mandatory indeterminate or 1 year sentence, unless defendant has no prior Class A Misd. conviction within the past 5 years. Mitigation hearing allowed.
	Plea: No restriction	Plea: Pre-Indictment: no plea bargaining allowed. Post-Indictment: defendant must plead to a Class E Violent Felony, unless he has no prior Class A misd. conviction within the past 5 years; then defendant may plead to any offense defined in the penal law.
Newly Created: crime committed when defendant uses, possesses, or displays a firearm.	Non-existent	Level: B or C "Armed" Felony
		Sentence: 1/3 - 1/2 maximum sentence
		Plea: No youthful offender eligibility or juvenile offender removal. If defendant has been charged with a "B" Felony he - he must plead to a level "C" Armed Violent Felony. If defendant has been charged with a "C" Felony he must plead to a level "D" Violent Felony.
Assault Upon Police Officer With a Gun (incudes use, possession or display of gun).	Level: C Armed Violent Felony	Level: B Armed Violent Felony
	Plea: Defendant must plead to a level D Violent Felony	Plea: Defendant must plead to a level C Armed Violent Felony. No youthful offender or juvenile offender removal. Court must impose a minimum sentence of 1/3 the maximum sentence.

The following example will illustrate the new sentencing provisions in the gun control law.

1. Prior to the enactment of the new gun control law, if Johnny, who has a past conviction for petty larceny (which is a Class A Misdeameanor), finds an unloaded gun in his father's desk and goes out onto his front stoop to show the gun to his friends, he might not have to spend more than one day in jail even though he had been charged with a felony.

   After enactment of the new gun control law, Johnny would be charged with a felony and he would have to serve a mandatory jail sentence of at least one year.

2. Prior to the enactment of the new gun control law, if David, who has never been convicted of any crime, takes his father's unloaded hand-gun, enters a store in order to commit a robbery, and displays the gun not intending to shoot anyone but merely to frighten the store owner, he might not have to spend more than one day in jail even though he had been charged with a felony. He could also plead to a misdemeanor and spend no time in jail.

   After enactment of the new gun control law, David would be charged with an armed felony offense and he would have to serve a mandatory jail sentence of at least 1/3 - 1/2 the maximum sentence for a level B or C "armed" felony. The maximum sentence for a level B felony is twenty five years, and for a level C felony, 15 years. David could possibly serve anywhere from 5-12 years in prison.

Note: The teacher should open a discussion about the reasons for the difference in the outcomes of the problems. Prior to the enactment of the new law, there was a possibility for pleading to a misdemeanor, and consideration of David's "clean record" prior to this offense. After the enactment of the new law, there is no possibility for pleading to anything less than a level B felony. These plea bargaining restrictions hold true even for juveniles under 16.

GUN STATISTICS*

NUMBER OF INCIDENTS IN WHICH NEW YORK CITY POLICE OFFICERS WERE SHOT AT IN 1978 AND 1979

	1978	1979	TOTAL (2 YRS.)
KILLED	3	5	8
WOUNDED	19	17	36
MISSED	73	73	146
TOTAL INCIDENTS	95	95	190

NUMBER OF HOMICIDES BY FIREARMS IN 1979:

HANDGUNS	882
SHOTGUNS	43
RIFLES	7

TOTAL HOMICIDES 932 (of 1,752 HOMICIDES - 53.2%)

NUMBER OF FELONY COMPLAINTS INVOLVING USE OF GUNS IN 1979:

HANDGUNS	31,563
SHOTGUNS	1,607
RIFLES	349
TOTAL	33,519 (of 539,103 FELONY COMPLAINTS - 6.2%)

NUMBER OF YOUTHS "UNDER 16" ARRESTED AND IN POSSESSION OF HANDGUNS IN 1979:

287 YOUTHS UNDER 16

* Provided by the Office of the Mayor, Coordinator of Criminal Justice

CITY-WIDE COMPLAINTS IN 1979 FOR SIX MAJOR FELONIES AND NUMBER/PERCENT INVOLVING GUNS: *

	TOTAL COMPLAINTS	WITH HANDGUNS	WITH SHOTGUNS	WITH RIFLES	TOTAL	PER CENT
MURDER & NON-NEGLIGIBLE MANSLAUGHTER	1,752	882	43	7	932	53.2
FORCIBLE RAPE	3,875	379	8	3	390	10.1
ROBBERY	82,572	22,774	1,190	173	24,137	29.2
FELONIOUS ASSAULT	27,376	3,637	175	57	3,869	14.1
POSSESSION DANGEROUS WEAPON	3,464	3,036	151	75	3,262	94.2
RECKLESS ENDANGERMENT	1,721	680	33	32	745	43.3
SUB-TOTAL	120,760	31,388	1,600	347	33,335	27.6
OTHER FELONIES	418,342	175	7	2	184	.0004
TOTAL	539,102	31,563	1,607	349	33,519	6.2

* Statistics provided by Coordinator of Criminal Justice, Office of the Mayor

New York Times Editorial, August 12, 1980*

Check Your Sidearms at the Door

New York State's new handgun law goes into effect today, and Mayor Koch is eager to describe it: "If you get caught carrying an illegal handgun, you'll go to jail for one year," the Mayor warns in a TV ad as he strolls through a prison full of empty cells. "No plea bargaining. No judges feeling sorry for you. And there's no way to get around it. Just one year in jail. And as you can see, if you've got the gun, we've got the room."

The Mayor's pitch is a tad exaggerated both on the law's certainty and on the roominess of New York's prisons. But publicizing the law on television makes excellent sense. It's going to be impossible to persuade all the owners of the city's 2 million illegal handguns never to carry them, but New Yorkers and visitors plainly need to learn the new rules. A strict gun law in Massachusetts has helped reduce crime partly because the law was explained through an advertising campaign like the one Mayor Koch has launched.

We hope the law will be strictly enforced. Anyone arrested for carrying a loaded, unlicensed handgun can be charged with an armed felony; the minimum penalty on conviction is one year in jail. And if the carrier has been convicted in the past five years of any other violent crime, he'll face from one to seven years for carrying an unlicensed handgun even if it isn't loaded. There are tougher new penalties for illegally trading in pistols — up to 25 years. Indeed, the only trouble with the law's tough message is that it isn't simple enough: a convicted gun-toter can request a hearing for "mitigating circumstances" and a judge may then reduce the sentence. It would be a pity if that provision somehow weakens the statute.

Wisely, Mayor Koch has given people an extra month, until Sept. 11, to turn in their illegal weapons without reprisal. Several churches and local newspapers are serving as drop-off points. Whether or not the invitation gets much response, the new law can work. And advertising its sanctions is worth the price.

*(c)1980 by the New York Times Company. Reprinted by permission.

New York Times, August 13, 1980*

10 ARRESTED IN CITY UNDER NEW GUN LAW

A One-Year Term is Now Mandatory for Possessing an Unlicensed, Loaded Pistol in Public

By ARI L. GOLDMAN

As New York's new gun-control law went into effect yesterday, at least 10 people were arrested for carrying loaded pistols in public without a license. They all face mandatory one-year sentences if convicted.

A police spokesman said yesterday's count was based upon an informal reporting procedure, and that the total might be higher when the day's records were complete.

The law had been in effect five minutes when, at 12:05 A.M., a Bronx man was arrested on charges of possessing a loaded pistol as he stood on Seventh Avenue near 120th Street in Manhattan.

The next two arrests occurred within hours. At 2 A.M., an Ohio man who allegedly drew a .45-caliber automatic pistol on a plainclothes police officer was seized in Midtown Manhattan. The police said he intervened during the arrest of a suspected prostitute at 38th Street and 12th Avenue.

Woman Arrested in Queens

Two hours later, the police said, a woman was arrested in Queens after a .22-caliber revolver was found under her dress while she was being questioned. The eight other arrests were after noon.

Law enforcement officials said there usually were 20 to 30 such arrests a day, but added that it was too early to tell if the new handgun law was an effective deterrent.

In the first 14 hours of the law, no arrests were reported under its provisions outside New York City, according to the State Division of Criminal Justice Services. No further reports on areas outside the city were available last night.

With the law in effect, Richard A. Brown, counsel to Governor Carey, said:

"The message will be delivered loud and clear that we in fact have the toughest gun law in the nation. I am very hopeful that there will be a dramatic reduction in the number of gun assaults, robberies and homicides committed with handguns as a result of the new law."

Signs Warn of New Measure

The message was posted on 110 signs at airports and major highway entrances to the state. The 3-by-4-foot signs warned: "New York State Handgun Law Violation Mandatory One-Year Jail Sentence."

Officials said they hoped the real deterrent message would come through harsh sentencing by judges. The criminal justice system is slow, however, and most of the cases had not reached the arraignment stage by the close of business yesterday.

When he signed the gun legislation on June 13, Governor Carey said: "Let there be no error about it, this bill will be vigorously enforced."

Few Jailed Under Old Law

The state's previous gun law provided up to 15 years for possession of illegal guns, but judges jailed relatively few people. Under the new law, judges will be required to impose sentences of at least a year, unless defendants can prove "mitigating circumstances."

The Governor's counsel, Mr. Brown, said mitigation hearings were rarely granted to those arrested on such weapons charges. But other officials speculated that such hearings might be held more often as a result of the new law.

A similar gun law with mandatory one-year sentences is in effect in Massachusetts, but New York officials maintain that their law is tougher because it restricts plea bargaining —negotiations for a lesser sentence in exchange for a guilty plea prior to trial. Plea bargaining will be allowed only after the suspect is indicted for a felony, and the minimum sentence will be one year.

Attempt to Broaden Provisions

The provisions of the New York law apply only to those carrying loaded guns in public places without a license. Unsuccessful efforts were made in the Legislature to establish mandatory sentences for persons convicted of possessing unloaded pistols in public or having them at home—loaded or unloaded—for self-defense.

Yesterday, the first person arrested under the new law, at 12:05 A.M., was identified as 29-year-old Manues Torres of 779 Dawson Street, the Bronx. The arrest was by Police Officer Robert McCormick, who was on his way home from the 28th Precinct station house. Further details were not available.

The next arrest, at 2:20 A.M., was by Officer Salvatore Mazzaro of the department's Public Morals Division, who was part of an increased force in the area of Madison Square Garden, site of the Democratic National Convention.

Struggle With a Woman

The police said a woman at 38th Street and 12th Avenue agreed to perform a sex act with the plainclothes officer for $20. When Officer Mazzaro announced that he was a policeman, the woman began to struggle with him. An observer, identified by the police as William Jordan of Springfield, Ohio, then reportedly pointed a pistol at the officer and yelled, "Hey, let the girl go."

Officer Mazzaro identified himself as a police officer three times, according to the official account, but Mr. Jordan held the gun on the officer as the prostitute fled. A short time later, the officer and his partner returned and arrested Mr. Jordan, a 31-year-old truck driver. They said the fully loaded gun was in the cab of his truck, with the hammer cocked.

In the Queens incident two hours later, 49-year old Bernice Thompson, of Jamaica, was arrested when police officers, responding to a complaint, ordered her to lean against a wall. The police said a loaded revolver dropped from under her house dress.

These other arrests were reported:

Karen Langdell, 17, of 88 West 107th Street, 1:30 P.M., on 170th Street at College Avenue in the Bronx; Nelson Delgado, 27, of 1230 Sheridan Avenue, the Bronx, and Manuel Torres, 23, of 80 West 170th Street, Manhattan, 2 P.M., at 1228 Grand Concourse, the Bronx; John Green, 70, of 213 West 140th Street, 3:10 P.M., on Seventh Avenue near 139th Street; James Wilson, 16, of 2199 Fifth Avenue, 6:50 P.M., at 135th Street and Seventh Avenue; two men whose names were not immediately available, 1 P.M., on Empire Boulevard in the Crown Heights section of Brooklyn.

New York Daily News, August 13, 1980

State's new gun law hits a 'hero'

By JERRY SCHMETTERER, MURRAY WEISS and MARK LIFF

A 31-year-old Ohio truck driver was one of the first persons arrested under the state's new gun law yesterday when he allegedly pulled an unlicensed pistol on a plainclothes policeman who was struggling with a suspected prostitute, police reported.

"I committed the sin of trying to assist someone in distress and now I am involved in something I knew nothing about—and I regret it," said William Jordan Jr., 31, of Springfield, Ohio. "It looked like a man was struggling a woman and was trying to kill her."

Ohio law does not require licensing of his gun, nor does Springfield Township, state officials there said. Gun laws are at the discretion of the local municipality, Ohio state police reported.

"I knew he had the gun," said his father, William Jordan Sr., in a telephone interview from his Ohio home. "I don't think he knew about the law."

NEW YORK STATE's new gun law provides mandatory one-year prison terms for anyone with a prior arrest record who is caught with an illegal loaded handgun. In cases where a handgun is used in commission of a violent felony—including armed robbery or assault on a police officer—the law mandates a six-year to 25-year prison term, with an additional two years for possession of the handgun.

Earlier, Manuel Torres, 29, of 779 Dawson St., Bronx, was arrested with a handgun on a Harlem street, police said. Torres, whose arrest was logged at 12:05 a.m., argued at his arraignment that he really was taken into custody before midnight. But Torres' lawyer told Judge Jeffrey Atlas that his client had the "dubious distinction" of being the first person arrested under the new law. Torres was released on $500 bond.

Jordan was transporting a load of computer paper forms from Ohio to a warehouse at 39th St. and the Hudson River at 2:20 a.m. when he saw a man struggling with a woman at 38th St. and 12th Ave., police said.

"I was in my truck and I heard a woman screaming," he said. "So I got out with my gun and I screamed at the guy to release her."

Plainclothes Detective Salvatore Mazzaro of the morals squad had arrested a 21-year-old woman and ordered her into his unmarked car when Jordan drove by, police said.

"SHE STARTED screaming for help," Mazzaro said of the woman. "There was a struggle and we both rolled out onto the street. My gun fell out of my ankle holster and was in the car."

Jordan bounded from his rig, pulled a fully loaded and cocked .45-caliber automatic and demanded that Mazzaro release the woman, police said. "I kept telling him 'I was a police officer,'" Mazzaro recalled. "He kept telling me to let her go or he'd shoot me."

Jordan, however, denied that he heard Mazzaro identify himself as a policeman.

"It was a very emotional situation," Jordan said, choking back tears, after he was booked. "He was screaming. She was screaming. I was screaming."

During the argument, police said, the woman escaped in handcuffs. Jordan then ordered Mazzaro back into his car and told him to leave as the trucker returned to his cab, police said.

MAZZARO SAID HE grabbed his pistol from the floor of his unmarked car and ordered Jordan from the truck. "But he wouldn't move," Mazzaro said, so the detective flagged down a passing ambulance and broadcast a report of a police officer in need of assistance—which brought patrol cars screeching to the scene within minutes.

Jordan surrendered and was charged with menacing, obstructing governmental administration and gun possession, police said.

When told of the circumstances surrounding his son's arrest, the elder Jordan said: "He went to help and he got arrested. If you're gonna have a gun and try to help somebody, you're not going out there with an unloaded gun."

(c)1980, New York Daily News, Inc. Reprinted by permission.

The following article has been reprinted from the New York Daily News, Thursday, August 14, 1980.

'Good Samaritan' in gun case freed over DA objection

By ROBERT CRANE and DON GENTILE

Stating that the case presents "difficult if not unique circumstances," a Manhattan Criminal Court judge released without bail yesterday an Ohio trucker charged with possession of a gun under the state's new gun law.

The release of William Jordan Jr., 31, was opposed by Manhattan District Attorney Robert Morgenthau, a strong advocate of the gun legislation, who had asked for $2,500 bail. The new law, except for possible mitigating circumstances, mandates a one-year jail term if a person with at least a prior misdemeanor conviction is arrested for possession of a loaded illegal handgun.

Jordan has no prior arrest record. He would however, fall under the mandatory jail term if he is convicted on charges of using the gun to further the commission of a violent felony.

Jordan was arrested shortly after 2 a.m. Tuesday when he allegedly pulled a gun on a plainclothes cop who was struggling with a suspected prostitute. The trucker said he thought he was going to the assistance of a woman who was being abducted.

BEFORE RELEASING Jordan, Judge Michael Corriero noted that Jordan is "a working man, regularly employed with the same company for the last four years" and has lived in Ohio his entire life. He said the trucker has no criminal record, earns $25,000 a year, was in New York in connection with his job and that he has a valid registration for the gun in Ohio.

The judge noted also that it seemed Jordan actually thought he was going to the aid of a woman in danger. He pointed out that although the police officer said he was a cop, he did not have time to display his shield.

An important provision of the new law mandates that if a person is arrested outside his place of business with an illegal gun he must be charged with a felony.

Jordan contends that his truck is his place of business and that therefore he should be charged only with a misdemeanor.

Ten years ago, Alston, 53, watched her 21-year-old son Lawrence Torres take eight months to die after a shootout with two narcotics detectives in a Brooklyn park.

"My Larry was shot twice in the head," Alston said in a teary, quivering voice. "Police said he was a drug pusher. But I say no. He had just gotten out of jail and had a job in his father's bakery. He was only visiting his brother on Putnam Ave."

Now she cries again as her son Manuel Torres, 29, bears the dubious distinction of being the first person arrested under the state's new gun law.

Manuel Torres' arrest, according to police, was logged in at 12:05 a.m. Tuesday, five minutes after the new gun law took effect.

POLICE OFFICER Robert McCormack, who made the arrest, said he spotted Torres with a loaded .32 caliber handgun in his belt at the corner of 122d St. and Seventh Ave.

Since 1969, Torres has been arrested and convicted five times on pleas of guilty to lesser charges. The most recent stint behind bars was 15 days at Rikers last March on a gun possession charge. In all, Torres has served 22 months and 15 days in prison on charges that included criminal possession of dangerous drugs, petty larceny, robbery and jostling.

Torres would not be allowed to plead to a lesser charge under the new law. He is scheduled to appear in court tomorrow.

As of noon yesterday, police had arrested 20 persons on gun possession charges under the new law. Nineteen arrests took place in New York City and one in Rochester.

He is scheduled to appear in court Sept. 2, after a grand jury proceeding. Jordan said he will testify before the grand jury, saying, "That's the best way to get this thing settled."

MEANWHILE, IN THE Bronx, the nightmares are returning for Ruby Alston—nightmares of guns, police, courts, and a son behind bars.

(c)1980, New York Daily News, Inc. Reprinted by permission.

STUDENT REFERENCES

Board of Education. Jury Service: A Handbook for Students. 1978-1979 Series, No. 4.

O'Brien & Newman. Street Law: A Practical Course in Law. St. Paul, Minnesota: West Publishing Co., 1975.

Rickes-Mahe. Law In Action Series: Courts and Trials, Juvenile Problems and Law, Lawmaking, Youth Attitudes and Police. St. Paul, Minnesota: West Publishing Co., 1975.

Sears, Robert L. The Criminal Law and You. New York: Oxford Book Co., 1973.

TEACHER REFERENCES

Board of Education. Law Studies: The Criminal Justice System. New York: May, 1978.

McKay, Susan. Civil Justice. New York: Scholastic Book Services, 1978.

Novelli and Martz. Criminal Justice. New York: Scholastic Book Services, 1978.

Open Doors. The Criminal Justice Systems. New York: Open Doors, 1978.

_____. Guide to Law Studies Resources in New York City. New York: Open Doors, 1980.

_____. Youth and the Law. New York: Open Doors, 1978.

The State Education Department. Teaching About Legal Concepts in the Junior High School. Albany, New York, 1974.

_____. Toward Civic Responsibility. Albany, New York, 1978.